

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CLEATUS W. SHONK and RAE ANN  
SHONK,

Plaintiffs,

1:12-cv-985-CL

**TEMPORARY RESTRAINING ORDER**

v.

WELLS FARGO BANK NATIONAL  
ASSOCIATION and NORTHWEST  
TRUSTEES SERVICES, INC.,

Defendants.

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**PANNER, District Judge.**

Plaintiffs seek an ex parte temporary restraining order to enjoin the foreclosure sale of their house. Plaintiffs allege the house is scheduled for a foreclosure sale on June 11, 2012 and defendants have not complied with the legal requirements for a valid non-judicial foreclosure. Plaintiffs allege defendants failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings.

In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS

86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, \*3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at \*3-4 (Bankr. D. Or. Feb. 7)); James v. Recontrust Co., et al, 2012 WL 653871, at \*19-20 (D. Or. Feb. 29).

Because of the alleged imminent foreclosure sale, and because plaintiffs' allegations demonstrate a sufficient likelihood of success on the merits of her claim that defendants did not comply with the recording requirements of the Oregon Trust Deed Act, I grant plaintiffs' request for a temporary restraining order (#4). Defendants, and their officers and agents, and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 4135 Tamarack Drive, Medford, Oregon, from this day until Thursday, June 21, 2012, at 5:00 p.m. I will hold a hearing on whether to issue a preliminary injunction at 10:00 a.m. on June 21, 2012, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 8 day of June, 2012 at 2:00 clock PM



Owen M. Panner  
United States District Judge